

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DEAN C. BOYD

PLAINTIFF

v.

No. 4:22CV101-GHD-DAS

**ALLEGIANCE SPECIALTY HOSPITAL OF
GREENVILLE AND MISTY HUGHES**

DEFENDANTS

**ORDER DENYING PLAINTIFF'S MOTION [30]
TO ALTER OR AMEND JUDGMENT**

This matter comes before the court on the plaintiff's motion [30] under Fed. R. Civ. P. 59(e) for reconsideration of the court's August 16, 2022, memorandum opinion and final judgment dismissing the instant case for failure to exhaust administrative remedies.¹ A motion to amend judgment under Fed. R. Civ. P. 59(e) must be filed within 28 days of entry of judgment. An order granting relief under Rule 59(e) is appropriate: (1) when there has been an intervening change in the controlling law, (2) where the movant presents newly discovered evidence that was previously unavailable, or (3) to correct a manifest error of law or fact. *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5th Cir. 2003). As discussed below, none of these reasons apply, and the instant motion will be denied.

The Court's Ruling

In its memorandum opinion, the court found that the instant case should be dismissed as frivolous and malicious under the doctrines of *res judicata* and collateral estoppel, among other reasons.

¹ The plaintiff styled the document [30] as an "Objection to Defendants' Memorandum Opinion," and the Clerk of the Court filed it as such. The document operates, instead, as a motion for relief from judgment under Fed. R. Civ. P. 59(e).

The Plaintiff's Arguments

The plaintiff's eight-page motion [30] for relief from judgment largely reiterates the allegations of his complaint. He does, however, devote two sentences to the court's ultimate holding: dismissal of the case under the doctrines of *res judicata* and collateral estoppel:

Plaintiff aver that each case he has in this court and in other courts can be distinguish[ed] from case to case, and he has been granted a jury trial

...

[H]e has shown that each case [he] has filed in this court and others can be distinguished from case to case

Doc. 30 at 7.

Conclusion

Though the plaintiff's various cases differ slightly, one from the other, each case arose out of a single nucleus of operative facts: the plaintiff's stay at Allegiance Specialty Hospital of Greenville, LLC – and abuse he allegedly suffered during that stay. As discussed in detail in the court's memorandum opinion, all of the elements of *res judicata* and collateral estoppel are present. For this reason, the plaintiff has neither asserted nor proven any of the justifications to amend a judgment under Fed. R. Civ. P. 59(e). As such, his request to alter or amend judgment is **DENIED**.

SO ORDERED, this, the 14th day of July, 2023.



SENIOR JUDGE